



**Office of the Ombudsman  
British Columbia**

---

**BUDGET SUBMISSION  
Fiscal 2009 - 2011**

**Presented  
to  
The Select Standing Committee on Finance and Government Services  
Legislative Assembly of British Columbia**

**November 28, 2007**



[www.ombudsman.bc.ca](http://www.ombudsman.bc.ca)

**Toll-free 1-800-567-3247**

---

# TABLE OF CONTENTS

SUMMARY .....	1
OMBUDSMAN STATEMENT .....	4
A. OVERVIEW OF CORE BUSINESS AREAS .....	10
B. WORKLOAD TRENDS AND PERFORMANCE DATA .....	12
C. RELATED INITIATIVES AND PLANNING PROCESSES .....	15
Information Resource Management Plan.....	15
Human Resource Management Plan .....	15
Case Tracker System.....	15
Shared Services .....	16
Consideration of Re-establishing the Lower Mainland Office .....	16
Long Term Office Consolidation .....	17
D. RESOURCE SUMMARY & BUDGET REQUEST .....	18
Current Fiscal Year - 2008 .....	18
Fiscal 2009 - 2011 .....	18
APPENDICES.....	21
Appendix A1 – Option 1 Budget Details .....	21
Appendix A2 – Option 2 Budget Details .....	22
Appendix A3 – Option 3 Budget Details .....	23
Appendix B – Organization Charts.....	24
Appendix C – Schedule of Authorities .....	26



## **SUMMARY**

“Government and regulation, order and edict, law and bylaw, and the rules and the roadmaps that are constantly being imposed upon society today, obviously illustrate the need for a citizen champion independent of the civil service, independent of the system, independent of the administrator and independent of politics, to wade through administrative hurdles, to cope with crises and to recommend betterment, as well as to defend against unjustified and uncalled for criticism – or in short, to render every man his due, I’d say, both for those within the organizational structure and for those who are dealing with it.”<sup>1</sup>

### **Background**

The budget proposal by the Office of the Ombudsman to the Select Standing Committee on Finance and Government Services of the Legislative Assembly is for the fiscal years 2009 through 2011. Three funding options are provided, each building upon the resources of the one already presented.

The role of the Office of the Ombudsman is to act as a last resort for those in British Columbia who feel that they have not been fairly treated by public authorities. These public authorities include provincial ministries, provincial commissions, provincial corporations, local governments, schools and school boards, hospital and health authorities and professional associations (in total more than 2,800 public authorities). The Office of the Ombudsman works to achieve fair treatment through outreach and training; consultation; investigation; dispute resolution and public reporting. Currently less than five per cent of the successes of the office are publicly reported.

After five years of decline in the number of inquiries and complaints being made to the office, 2007 saw an increase in intake of approximately 10 per cent. I believe this reflects the initial success of our outreach program, including our systemic reports. Nevertheless, only about a third of British Columbians surveyed in 2006 knew what the Office of the Ombudsman does. Consequently there is significant potential for expansion to an under-served group.

### **Request, Rationale, Results**

Three options are presented to the Committee for consideration. They are cumulative and the resources of one are required to support the additional activities of the subsequent proposal.

All of the options include a request for additional shared services positions (SSPs) and the increased costs of providing these services. They are required to enable services to continue to be provided in an efficient manner to four Officers of the Legislature. These should not be considered as part of the Office of the Ombudsman request and FTE’s, but rather part of the ‘shared services budget’ administered by the Office of the Ombudsman. The increase of two SSP FTE’s – for a total of 13 SSP FTE’s – is to reflect the increase over the past four years in

---

<sup>1</sup> Honourable Garde Gardom, Hansard page 4603, August 15, 1977, Bill 63 Second Reading

the number of organizations (three to four), staff (57 to 77) and fixed locations (two to five) to which shared services are provided. Although reflected in the Office of the Ombudsman budget options, this increase in SSP positions and associated costs is a stand-alone requirement.

Option 1 is a proposal that provides only for short term consolidation of the work achieved during the past 18 months. It is the minimum required to maintain current gains. It provides for one position to continue outreach and expand our focus on particular groups, including new British Columbians; persons in care; seniors; children and young people and persons in custody. It provides for one position to augment the systemic investigation capacity and ensure continuity. It also increases the Intake Team by one position to allow its expansion into the area of early resolution. This option requires five new FTE's (including the two shared services FTEs) and a consequential 10.8 per cent increase in the budget.

Option 2 is a proposal that will support solid progress in several areas of the Ombudsman's mandate and increase both production and effectiveness. This option establishes a new position responsible for Outreach, Intake, Early Resolution and Systemic Investigations. This will allow one director to focus on the 2,000 investigative files opened each year and develop a program to work with ministries and other organizations to improve their internal complaints resolution processes. The new position would have responsibility for an expanded outreach program that would focus not only on the groups mentioned above but also develop and present material for community groups, not-for-profits and advocacy groups. It would also be responsible for directing the work of a systemic investigations team consisting of three investigative positions and a part-time drafting/administration/production assistant. Finally, this position would manage an expanded Intake and Early Resolution Team that would have the capacity to resolve straightforward issues in a highly expeditious manner. This option requires seven new FTE's (including the two shared services FTEs) and a 15.6 per cent increase in budget.

Option 3 reflects a long term, integrated, strategic vision that is consistent with the goal of ensuring access to the Office of the Ombudsman to all British Columbians. It adds a fixed office location in the Lower Mainland to the previous option. Direction of this office would be the responsibility of the head of the Investigations Team. It would require the addition of a manager and an administrative support person and consolidate the four telecommuter investigative positions currently based in the Lower Mainland into one location. The benefit of this option is it would provide a solid base for outreach to under-served groups in the Lower Mainland such as communities where English is not the first language of many members, and permit hiring qualified staff from those communities. Currently all new staff must be willing to relocate to Victoria. This option requires nine new FTEs (including the two shared services FTEs) and a 23.4 per cent increase in budget.

### **Recommendation**

I recommend funding Option 3. This option reflects a reasonable, progressive, long term plan to deliver service to all stakeholders in the most effective and efficient manner. It takes into account demographic trends and puts the Office of the Ombudsman in the best position to provide equal access to all British Columbians, adjust to increased demands, focus on preventative involvement and accommodate any expansion in mandate.

## **Consequences of Under Funding**

The Office of the Ombudsman is beginning to move forward after a number of years of contraction. The next three years are a window of opportunity to restore the full effectiveness of the office in both a preventative and restorative role. A failure to do so will lead to important issues not being addressed and to demands for “special interest Ombudspersons” with the attendant increase in costs to establish and operate these offices.

Without the necessary funding the Office of the Ombudsman will either have to reduce the expeditiousness of its complaints resolution or its oversight of the administrative actions of public authorities. This will reduce openness, transparency and accountability in British Columbia.

If outreach is not adequately funded then preventative activities cannot continue and individuals with valid complaints will remain unaware of a mechanism available to resolve them.

If intake and early resolution is not adequately funded then valid complaints will not be dealt with expeditiously, referrals information will not be updated, and an opportunity to resolve matters in a satisfactory manner at the earliest opportunity will be missed.

If systemic investigations are not adequately funded then they will not be able to deal with broad issues in a timely manner and produce comprehensive, practical recommendations for improvement. Areas ripe for action will not be addressed and opportunities to avoid crises will be missed.

## **Conclusion**

The Office of the Ombudsman is both an ideal and a practical tool available to individuals, groups and public authorities. It is the fail-safe mechanism to ensure that British Columbia can be confident that government wants people to be treated fairly; its programs to achieve the goals they are supposed to; and that every person, regardless of who they are, what they do or where they live has the opportunity to have their concerns independently and impartially assessed and if necessary brought to the attention of the highest authorities in the Province.

The 2007 – 2008 (current) budget of the Office of the Ombudsman is \$4,214,000 or approximately \$1.03 per person per year. If the Committee recommends Option 3 this will increase by \$984,000 to \$5,198,000 or approximately 25 cents per person to \$1.28 per person per year. <sup>2</sup>

---

<sup>2</sup> 2006 British Columbia population 4,113,487. 2007-2008 Budget of Ombudsman \$4,214,000. Option 3 budget proposal \$5,198,000.

# OMBUDSMAN STATEMENT

“...both symbolically and at a practical level, the Ombudsman’s office captures what is arguably the most fundamental of all human rights, namely the right to complain against and challenge the government in an independent forum.”<sup>3</sup>

## **Introduction**

The Office of the Ombudsman is a visible demonstration that fair treatment of British Columbians by public authorities is a priority for government. In 1979 the Legislature of British Columbia passed the *Ombudsman Act*. Over the past 28 years hundreds of thousands of British Columbian’s have used its services. Nine provinces and three territories have similar offices to secure fair treatment in the delivery of public services to their residents and to promote accountable public administration. Canada does not have a Federal Ombudsman, although the Federal Government has created numerous specialty ombudsman for specific issues, but over 100 countries have national level Ombudsman organizations.

The requirements of an effective Ombudsman office are independence, impartiality, confidentiality and thorough, professional, investigations and reports. While independence, in both approach and action, depends on legislation, leadership, and a professional culture, it also requires sufficient financial resources to support the organization’s mandate.

## **Mandate**

“The Ombudsman’s two primary roles are to investigate complaints and to generally oversee the administrative actions of government authorities with a view to upholding the democratic principles of openness, transparency and accountability.”<sup>4</sup>

The Office of the Ombudsman’s mandate is to investigate allegations of administrative unfairness, of ‘maladministration’, that impact people in British Columbia. Administrative decisions, actions, omissions and procedures within the Ombudsman’s purview are those that are contrary to law; unjust; oppressive; improperly discriminatory; done pursuant to a statutory provision or other rule of law or practice that is unjust, oppressive or improperly discriminatory; based on a mistake of law or fact or an irrelevant ground or consideration; the result of an arbitrary, unreasonable or unfair procedure; done for an improper purpose; result in inadequate or inappropriate reasons; are negligent; unduly delayed; or otherwise wrong.

In 1984 the Supreme Court of Canada stated “...’a matter of administration’ encompasses everything done by government authorities in the implementation of government policy. I would exclude only the activities of the legislature and the courts from the Ombudsman’s scrutiny.”<sup>5</sup>

---

<sup>3</sup> McMillan, John “The Ombudsman and the Rule of Law” in Reif L. *The International Ombudsman Yearbook* Volume 8, 2004 at page 16

<sup>4</sup> *Report of the Special Committee to Appoint an Ombudsman*, Legislative Assembly of British Columbia, Second Session, Thirty-Eighth Parliament, April 26, 2006, page 1

<sup>5</sup> *BCDC V BRITISH COLUMBIA (Ombudsman)* [1984] 2 S.C.R. 447



The Ombudsman can make findings and recommendations to improve not only individual situations but also to improve practices, procedures, policies, statutory provisions and other legal rules.

The Office of the Ombudsman in British Columbia has one of the broadest mandates in Canada. It can investigate complaints of unfair treatment by more than 2,800 public agencies and service deliverers. While many situations, that engage public debate and raise systemic concerns about actions of public authorities, are within the Ombudsman's mandate, our Office's ability to act is constrained by the resources available.

## **Scope**

“The rule of law is as much concerned with explaining to a person why an adverse decision was made and is unimpeachable, as it is with examining whether a decision was legally proper. A chief responsibility of an ombudsman's office is to discharge that mixture of functions in an integrated fashion.”<sup>6</sup>

Unlike direct contact with the legal system, which occurs for most people on an infrequent and irregular basis throughout their lives, direct contact with public authorities occurs on a frequent and regular basis. A licence denied; a re-zoning granted; a benefit altered; a program changed; these are all administrative decisions or actions by public authorities. If you live in a house; rent an apartment; drive; go to school, college or university; work; or run a small business then the Office of the Ombudsman has dealt with a problem that may impact you.

If you are a person who is dependent on a government program; subject to government oversight of family relationships; or living in an institution run by government authorities, then access to an independent and impartial institution to resolve concerns about unfair treatment or 'maladministration' of a program is particularly important

The majority of complaints our office receives and investigates relate to provincial ministries, ranging from Employment and Income Assistance to Education, Health and Forests, Ranges and Housing. We also investigate complaints about provincial commissions and boards such as the Workers Compensation Board, the Coroner's Office, the Public Guardian and Trustee, the Agricultural Land Commission and the Property Assessment Appeal Board. We investigate complaints about provincial corporations such as BC Assessment, the Insurance Corporation of British Columbia, BC Hydro and Power Authority and the British Columbia Lottery Corporation. Other agencies within our jurisdiction include health authorities and hospitals; local governments such as municipalities; school boards and schools; colleges and universities and a number of self-regulating professions.

In the case of local government and self-regulating professions the Ombudsman's review role was only fully restored in 2006. There was a period of more than two years where the Office of the Ombudsman was not in a position to deal with complaints in these areas, except on an exceptional or time-available basis.

---

<sup>6</sup> Note 3 at page 9

The Office of the Ombudsman also deals with complaints about the provision of public services delivered by contracted service providers such as Health Insurance BC, Accenture and Revenue Services BC.

## **Services**

“...the ombudsman style of investigation resting largely on inquisitorial method and consultation with agencies, is amenable to resourcefulness in deciding how best to resolve a problem.”<sup>7</sup>

The Office of the Ombudsman provides a range of services to a variety of people, from resolving a property tax matter for a senior to sorting through a health system glitch for a new immigrant to assisting in resolving a contract matter for a small business owner. Our particular strength is assisting people who have exhausted all their other options and have no where else to turn. Unlike many other mechanisms if the Office of the Ombudsman becomes engaged in a matter there is no charge to the person complaining or the institution complained about.

Ultimately the Office of the Ombudsman serves the people of British Columbia and the commitment to fair treatment by public authorities rather than any individual. The office is an advocate for fair treatment not for a particular result.

The office provides information and referrals; investigates; seeks resolutions; makes findings and recommendations. While most of the work of the office is done quietly and without publicity, approximately 100 issues are reported on publicly each year through the annual report or special reports.

The resolutions we achieve range from explanations and apologies to opportunities to retake tests and re-enter courses to benefits being restored, cheques reissued; contract processes being re-opened; and hearings re-held.

In addition the office also provides assistance and guidance to public authorities setting up their own complaint resolution processes and on request consults on proposed statutory and regulatory changes to various programs.

## **2007 Activities**

“...the ombudsman is often well-placed to resolve legal issues affecting a large number of people, in circumstances where cost, complexity, or lack of information inhibit the commencement of legal proceedings.”<sup>8</sup>

In 2007, after five years of decline the number of intakes in the office has begun to rise. This is I believe a reflection of the early success of our outreach activities.

There are 29 members of the office who will have dealt directly with approximately 7,100 requests for information or complaints; opened 2,000 files; and are conducting or have completed a total of five systemic investigations.

---

<sup>7</sup> Note 3 at page 13

<sup>8</sup> Note 3 at page 9

In addition to the usual outreach, communications, consultation, training, investigation and resolution activities, the Ombudsman and staff visited specific areas of the province to conduct outreach and mobile intake including Gibsons, Sechelt, Powell River, Campbell River, Courtney, Comox, Masset, the Village of Queen Charlotte City, Prince Rupert, Terrace, Kitimat, Nakusp, New Denver, Kaslo, Nelson, Castlegar and Trail. Presentations were made to authorities, advocacy groups, service clubs and professional groups.

Mobile intakes were conducted on a regular basis across the Lower Mainland and southern Vancouver Island including Vancouver, Richmond, Burnaby, Coquitlam, Abbotsford, Duncan and Nanaimo and also on Salt Spring Island.

Two public reports have been published to date this year, Special Report No: 30, *Victims of Crime; Victims of Change: Transition and Discretion in Crime Victim Assistance legislation in British Columbia* and Special Report No 31, *Winning Fair and Square : A Report on the British Columbia Lottery Corporation's Prize Payout Process*. All the recommendations, from both reports, were accepted by the public authorities impacted and have been or are in the process of being implemented.

Last year I outlined my goals for 2007-2008 as including outreach and communication; making our services more accessible; working with stakeholders to improve administrative fairness; developing a formal communications program; establishing an early resolution team; maintaining our service delivery standards; completing three provincial outreach tours; increasing the positive impact of our mobile intake and publishing four systemic reports. To do that, I requested funding for an outreach position and three investigator positions and one student position. Two investigator positions and the student position were funded.

I have increased the outreach and communications and we have begun to implement a communications plan. I have been working with authorities not only to look at current processes but also to proactively consult on proposed ones. We have conducted a trial Early Resolution Program which has been a success and reduced the number of files requiring investigator attention. Our service delivery standards are generally being met, though not at as high a level as previously. I and members of my staff completed three provincial outreach tours. The mobile intake initiative visited new areas and we are currently working with some not-for-profit service agencies to reach out to under-serviced communities. We have published two systemic reports to date and have two awaiting completion. The un-funded outreach, education and communication position and extra investigator would have I believe allowed the two other reports to have been completed in a more timely fashion.

The student program has been an unparalleled success. We have employed two law students, one as a summer student and the other as a co-op student and their contribution to a number of projects have been indispensable. I expect to hire another co-op student for the spring term, either a public administration student or a law student. We also try to facilitate social work graduate students completing an unpaid practicum with our office.

### **2008-2010 Initiatives**

“Institutional integrity goes beyond a narrow concept of illegality to encompass at least two additional considerations. First, the maintenance of fidelity to the public purposes for the pursuit of which an institution is created. Secondly, the application of the

public values, including procedural values, which the institution was expected and/or required to obey...The focus on fidelity to purpose and on applicable public values...distinguishes the integrity function from other government functions, including most executive, legislative and judicial decision-making, which are concerned with the quality of outcomes.<sup>9</sup>

My goals in Fiscal Years 2009-2011 are to establish a fully functioning early resolution team; establish an active, multi-lingual outreach capability; develop a relationship with major social program delivery organizations; engage significant authorities in dialogue on how to improve their complaints resolution processes; increase intake by 10 per cent each year; improve the effects of individual investigations; and publish four useful, timely systemic reports a year.

In my view this will allow the Office of the Ombudsman in British Columbia to begin making the contribution that is necessary to ensure institutional integrity and respect for procedural values.

### **Strategic Direction**

“From a rule of law perspective, complaint handling by the ombudsman bolsters the notion that government is bound by rules and that there can be an independent evaluation of whether there has been compliance with the rules. Government accountability and the right to complain go hand in hand. That this notion is taken for granted...should not overshadow the importance of the fact...The example of other countries in which the struggle for democracy is still vigorous provides a reminder that public disagreement with government decisions is a disputed right in many parts of the world. Recognition of the right can be an important marker of whether democracy and the rule of law are being practiced.”<sup>10</sup>

After 18 months in the position of Ombudsman I am in a position to realistically assess the capability of the organization. I believe that, as it approaches 30 years of existence, there are two options. The organization has been stretched over the past five years and has been fully focused on simply dealing with individual complaints. The numbers of complaints are I believe set to rise, perhaps significantly, if our outreach program continues to generate results. We have until now relied on the experience and expertise of our staff and our old processes. Our staff are starting to retire, or are being recruited to fill gaps we identify in our investigations. Our processes need to be adapted to meet new demands: linguistic, cultural; demographic and investigative.

One approach is to simply maintain our current operations and attempt, with minimal resources, to do some more outreach, divert some files to early resolution and to add on a few systemic investigations. This is the funding package set out in Option 1. It is effectively a stop gap that will take us to next year. I expect however that numbers of intakes will continue to increase. The nature of the issues dealt with will continue to become more complex. The areas where crises can be seen approaching or where systems need to be reviewed and restored will grow but will remain largely unaddressed. The timelines to complete both individual and systemic investigations will begin to slip.

---

<sup>9</sup>Note 3 at page 18

<sup>10</sup>Note 3 at page 5

I would expect after 18 months we will not be able to retain our more experienced staff who will start to burn out and leave. It will become difficult to attract new staff. To minimize this impact organizationally we will start to contract both in influence and effect.

The second approach is to build on the new impetus that has developed and organize the office to more effectively use the skills of existing staff by implementing new processes in intake to build on the success of our trial program; group outreach, intake and systemic investigations together to take advantage of natural links and to more quickly identify areas where a timely systemic investigation can avoid or mitigate a host of individual complaints; and enhance the experience and focus on individual investigations so that they can resolve not only the individual effects but illuminate the causes underlying problems. This option will allow the office to grow and respond to increased demands. Logically, looking ahead three to five years this expansion requires the reopening of our office in the lower mainland to allow us to take advantage of demographics and respond to the challenges of an evolving society.

Only Option 2, or Option 3, will allow the office to continue forward momentum. Option 3 provides a firmer basis for long term growth.

## **A. OVERVIEW OF CORE BUSINESS AREAS**

The Office of the Ombudsman has two core business areas, investigation of individual complaints about administrative unfairness and general oversight of the administrative actions of government authorities. The contribution of the office to the operation of public authorities is to increase institutional integrity and respect for procedural values.

The *Ombudsman Act* provides jurisdiction to over 2,800 public authorities ranging from provincial government ministries to local boards of variance. The Ombudsman can investigate administrative decisions, actions, omissions, and procedures of authorities that may aggrieve a person. Most complaints are resolved through a consultative and collaborative approach. The Ombudsman can make findings that a decision, recommendation, act or omission was contrary to law; unjust, oppressive or improperly discriminatory; the result of the application of an arbitrary, unreasonable and unfair procedure; made for an improper purpose; was negligent; lacked adequate and appropriate reasons or resulted in an unreasonable delay.

The Ombudsman can recommend a matter be referred back to an authority for further consideration; an act be remedied; a decision or recommendation be changed; adequate reasons be given; a practice, procedure or course of action be altered; an enactment or other rule of law be reconsidered; or any other step be taken.

After making findings and recommendations to an authority, the Ombudsman may make a report to the Lieutenant Governor in Council and then the Legislative Assembly, if she concludes adequate and appropriate action has not been taken. The Ombudsman may also provide a special report to the Legislative Assembly or comment publicly about any investigation if she considers it to be in the public interest.

### **Outreach and Communication**

In addition to the usual outreach, communications, consultation, training, investigation and resolution activities, the Ombudsman and staff visited specific areas of the province to conduct outreach and mobile intake including Gibsons, Sechelt, Powell River, Campbell River, Courtney, Comox, Masset, the Village of Queen Charlotte City, Prince Rupert, Terrace, Kitimat, Nakusp, New Denver, Kaslo, Nelson, Castlegar and Trail. Presentations were made to authorities, advocacy groups, service clubs and professional groups.

Mobile intakes were conducted on a regular basis across the Lower Mainland and southern Vancouver Island including Vancouver, Richmond, Burnaby, Coquitlam, Abbotsford, Duncan and Nanaimo and also on Salt Spring Island.

### **Investigation of Individual Complaints**

The Office of the Ombudsman will receive approximately 7,100 inquiries and complaints in 2007 - an increase of approximately 600 over the previous year. It is anticipated that 2,100 files will be assigned to Investigators this year, down slightly from last year but still higher than any other year since 2002. During the past year 66 per cent of all files concerning complaints that required investigation were closed within 90 days and 96 per cent within one year. Fifty seven per cent of the files closed related to provincial ministries; 16 per cent to provincial commissions and boards; 10 per cent to Crown Corporations; five per cent to

Health Authorities; and the remainder related to municipalities, school boards and other authorities.

### **General Oversight of Administrative Actions of Government**

All the work of the office in investigating and resolving individual complaints plays a role in the general oversight of the administrative actions of government. In particular, individual resolutions which lead to changes to processes and procedures do so quickly, quietly and effectively. In some cases the nature of the issue or the resolution is of sufficient public interest to warrant a summary or full report being made public.

Special Report No. 30: *Victims of Crime; Victims of Change: Transition and Discretion in Crime Victim Assistance Legislation in British Columbia* resulted in government reinstating consumer price indexing for victims of crime whose monthly payments had been awarded before July 2002.

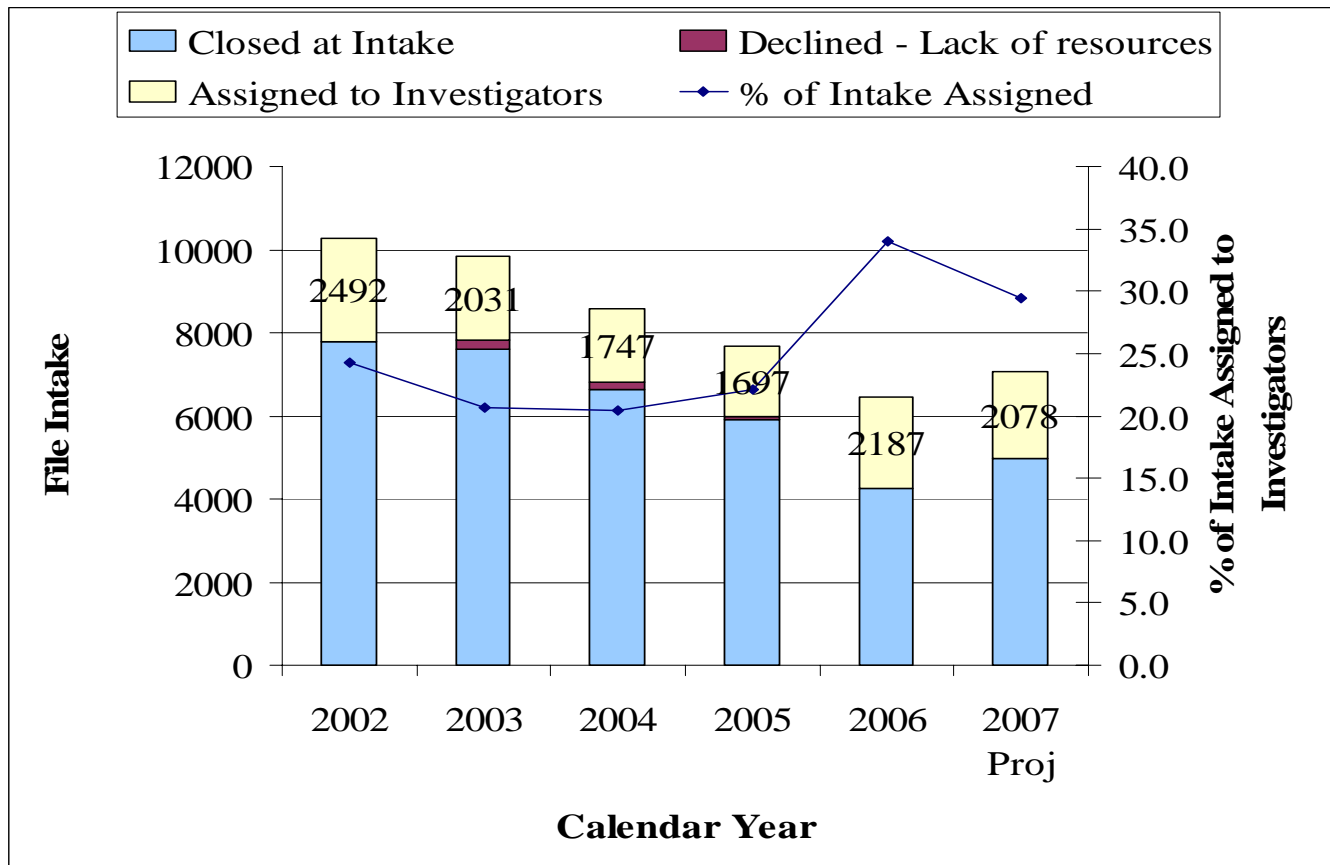
Special Report No. 30: *Ombudsman Winning Fair and Square: A Report on the British Columbia Lottery Corporation's Prize Payout Process*, revealed shortcomings in the procedures and security measures in place to insure correct payout of prizes to lottery winners. The recommendations, all of which were accepted, have resulted in numerous changes to the policies and practices at both the B.C. Lottery Corporation and the Gaming Enforcement Policy Branch of the Ministry of Public Safety Solicitor General.

## B. WORKLOAD TRENDS AND PERFORMANCE DATA

The Office of the Ombudsman has a strong Case Tracker System that supports the efficient daily management of the office’s work and enables work load trend analysis and performance management. The following is information with particular relevance to budget deliberations and the service consequences that flow from those decisions.

The work of the office is carried out through several approaches, but the main work consists of investigation of thousands of complaints brought forward by individuals each year. If the office is to provide good service to the citizens of British Columbia, it is important to monitor the complaint trends and respond accordingly.

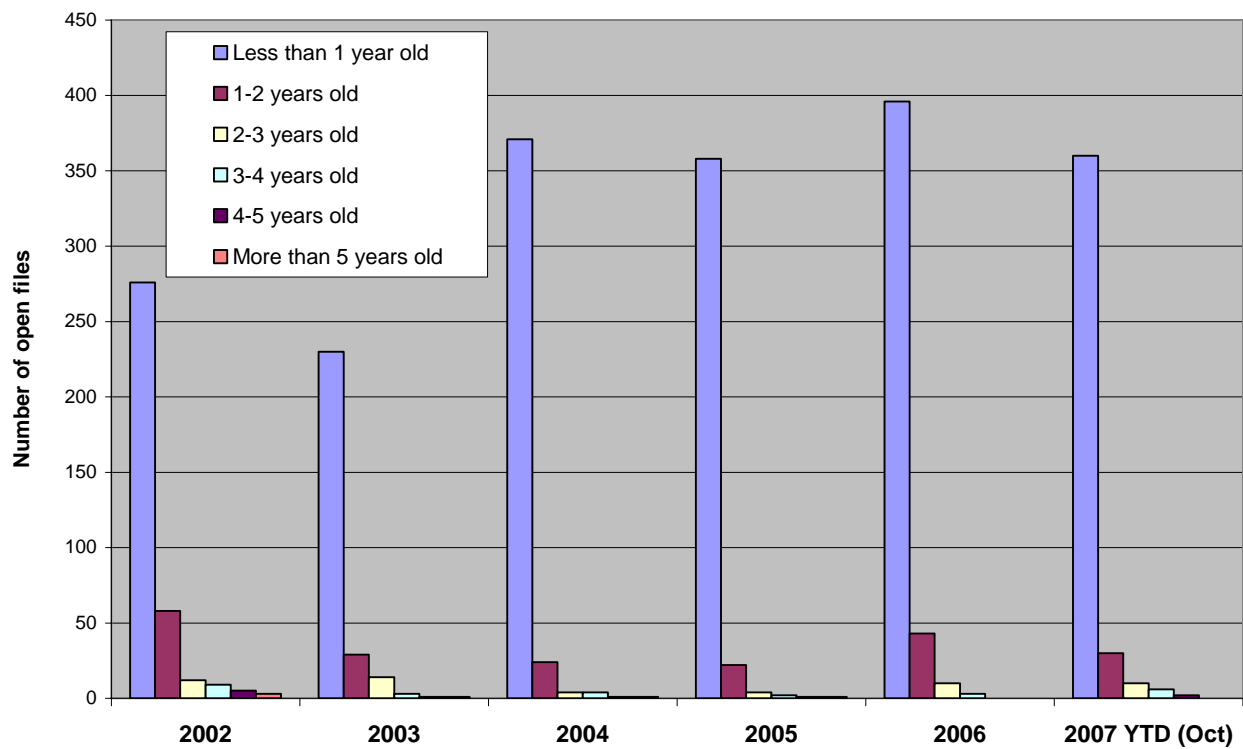
The chart below illustrates a reversal of the trend of the past several years. For the first year since 2001 the number of total intakes has increased over the previous year. At the same time the number of complaints requiring investigation remains high. This reflects a significant but not yet unstable investigative load and an increasing workload on the Intake staff. The proportion of Intake assigned to Investigators has declined slightly from last year but otherwise shows a long-term increasing trend. The high percentage of investigative files assigned in 2006 was a result of closing the local government and self-regulating professions holding queue and moving these files into the same response category as others.





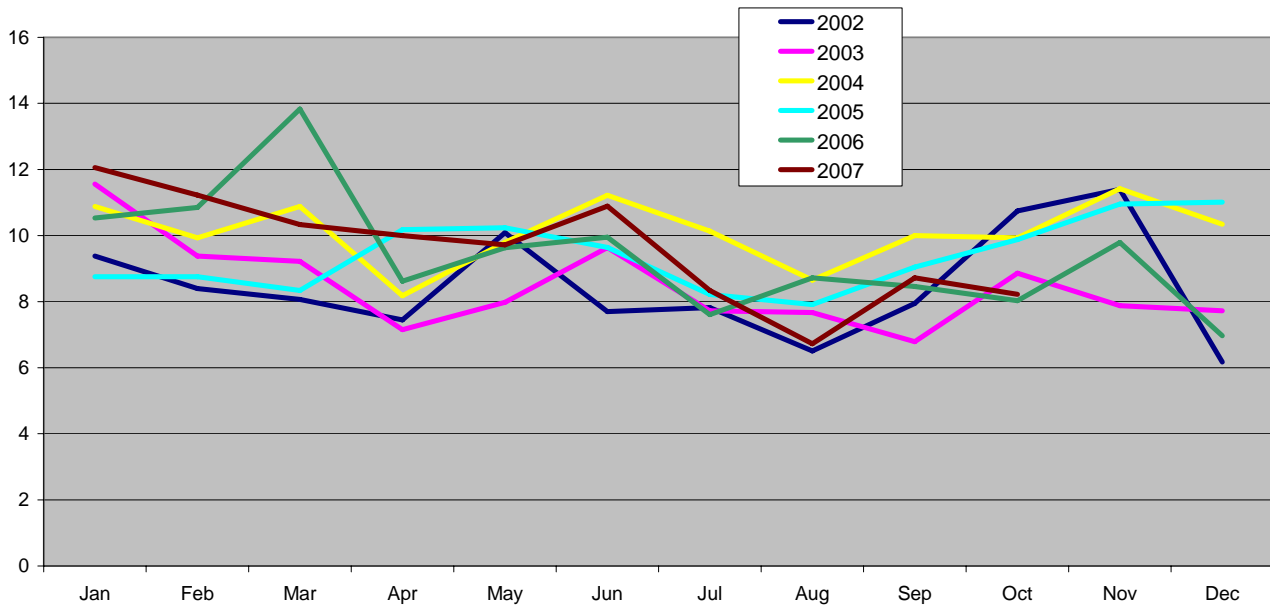
The Office of the Ombudsman has a comprehensive performance measurement system. One of the most important measurements is the time between opening and closing a file. The next chart shows the age distribution of open files. In 2006 there was a trend starting towards files being open longer. Through the hard work of investigators and active management and monitoring this trend has been tempered in the current year reflecting a balance in the resources available currently for routine (non-systemic) complaint investigations. Any further increase in investigative files will make maintaining this balance challenging.

**Age Distribution of Open Files**

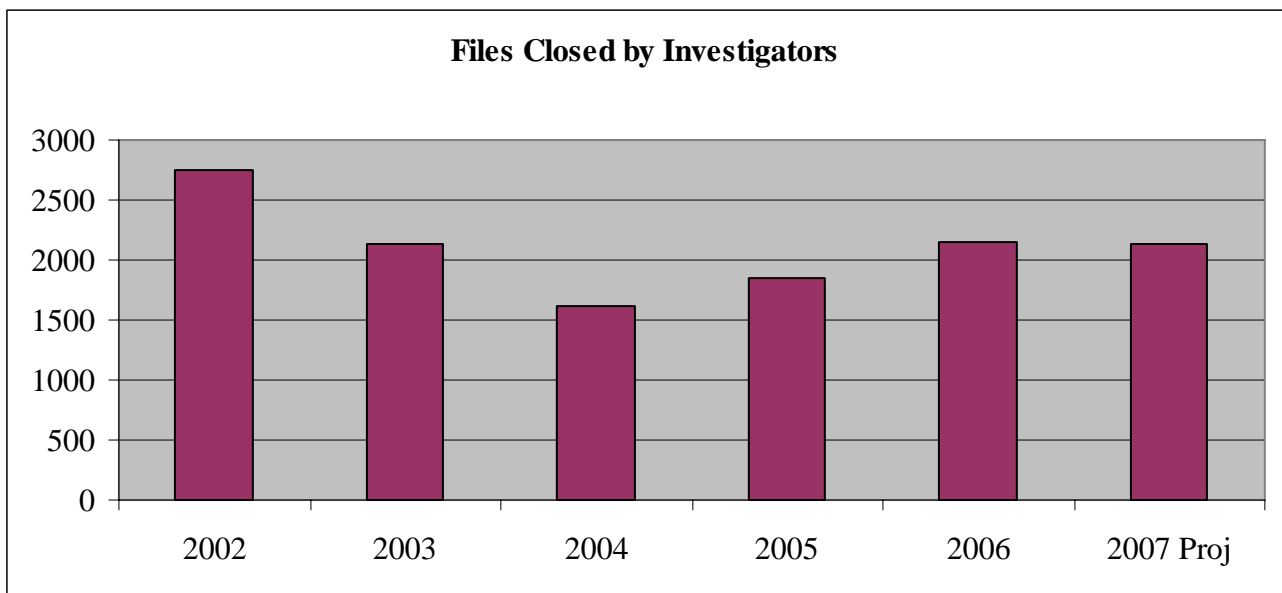


The next two charts show the trends in workload in relation to new files assigned to Investigators and files closed by Investigators. This is an important statistic as it relates to the matter of maintaining a manageable caseload at the individual investigator level, which allows for timely resolution of cases, as opposed to looking at the load from the perspective of the whole office. This data shows a fairly consistent average rate of assignment between 8 – 12 files per month per Investigator and a stabilizing overall rate of file closure consistent with the number of files being assigned for investigation and the number of Investigators available for routine (non-systemic) complaint investigation.

**Average Files Assigned to Investigators**



**Files Closed by Investigators**



## **C. RELATED INITIATIVES AND PLANNING PROCESSES**

### **Information Resource Management Plan**

The Office of the Ombudsman maintains its own internal Information Systems capability for security and confidentiality reasons as required under the *Ombudsman Act*. The hardware and software utilized is consistent with current government standards and is acquired using government purchasing Master Standing Offers if possible.

Hardware and software is replaced on a routine three-year cycle with approximately 1/3 of the equipment being replaced each year in order to maintain reliability and performance requirements.

The Office of the Ombudsman Systems staff also provides systems support to the Office of the Information and Privacy Commissioner, the Office of the Police Complaint Commissioner and the Office of the Merit Commissioner. This support is being provided under shared services agreements with each office.

During Fiscal 2008 major work included upgrading the Operating System software to Windows 2003 and upgrading the Backup hardware and software to provide greater disaster recovery capabilities for all of the offices supported under the shared services agreements. During Fiscal 2009 the Office Products Suite will be upgraded to Microsoft Office 2007.

### **Human Resource Management Plan**

The Office of the Ombudsman integrates the objectives, strategies, performance measures and targets related to Human Resource Management with the overall Strategic Plan for the office. This is because Human Resource Management is not a Goal or Core Business Area that stands on its own but it is a crucial component in any strategic plan for an organization.

To assist in addressing the growing potential for shortages of skilled and experienced personnel in the Public Service, the Select Standing Committee allocated 1 FTE and funding to allow the office to offer several student positions as a method of introducing new talent to the opportunities of a career in the public service. The office has hired two students for 4 month terms thus far and will have another placement in January 2008.

The Office of the Ombudsman anticipates that the demographic trends emerging in the broader public service will also impact our organization. This trend is represented by an increasing number of staff for whom retirement is an option and increasing competition to recruit new staff – especially those willing to contemplate the public service as a long-term career.

This challenge can be addressed in part by providing opportunities to develop experienced staff internally. To this end, a major organizational initiative in the coming year will be to restructure the relationship between the Intake and Investigative functions in the office. The goal is to introduce a new level of responsibility on the Intake Team to carry out an Early Resolution Process (ERP) for complaints that are suitable for quick intervention and resolution. This will not only allow more efficient use of Investigative staff resources, but will also provide a new level of potential career progression within the office. To support this initiative, the Committee is requested to provide 1 FTE and associated funding.

### **Case Tracker System**

During the current fiscal year an agreement was entered into with the new Canada Revenue Agency Taxpayer's Ombudsman office to provide a modified version of the Case Tracker System for their office. The funds generated in this way are recovered to the office budget to offset any expenses associated with providing the services, and to support on-going enhancement of the Case Tracker System.

Also during the current fiscal year, a modified version of the Case Tracker System was developed and is being supported for the Office of the Merit Commissioner. The Systems Team now supports three versions of the Case Tracker System for the Offices of the Legislature through the shared services agreements.

Further opportunities regarding the sale of the Case Tracker System will be evaluated as they become available. Continued support agreements with the Alberta Ombudsman, Saskatchewan Ombudsman and Saskatchewan Child Advocate are expected in the coming fiscal year. These opportunities allow the Ombudsman (and other Legislative Officers) to benefit from economics of scale and maintain an independent, leading edge case management system.

## **Shared Services**

The Ombudsman's Office provides administrative, payroll, financial and systems support to the Office of the Merit Commissioner, the Office of the Information and Privacy Commissioner and the Office of the Police Complaint Commissioner.

A review was conducted of the shared services resource allocation in relation to the growth of the offices over the past four fiscal years. During that time the supported offices have increased from three to four and the supported personnel has increased from 57 to 77. During that time, the resources allocated to the Administration and Systems Teams has not increase in proportion resulting in significant work pressures on both of those teams. The review indicates that an additional FTE is required for both the Administration Team and the System Team. The Committee is requested to support this additional allocation of FTEs and associated budget. To offset the appropriate portion of the costs by the supported offices, additional recoveries of \$100,000 will be reflected in the budget along with corresponding increases in expenditure in those other Officer's budgets.

## **Consideration of Re-establishing the Lower Mainland Office**

The Office of the Ombudsman has a presence in the Lower Mainland by maintaining access to space occupied by the Office of the Police Complaint Commissioner (to use as a meeting/interview location), supporting five staff ( four Investigators and one Complaints Analyst) to operate as telecommuters from their home offices, and operating Mobile Intake Clinics at several venues. This has been the mode of operation in the Lower Mainland since the downsizing of the office that occurred during Fiscal Years 2003 – 2005.

In addition to ensuring the Office of the Ombudsman is integrated into the fabric of the largest population centre in the province an office in the Lower Mainland would enhance our ability to recruit employees from the large population residing in this most populous part of the province. This is especially so in relation to our ability to attract potential employees from groups who currently do not access the services of this office such as newer British Columbians and members of First Nations. Having a small physical office would also provide a location at which the staff telecommuting in the Lower Mainland could work out of on a part-time basis and gather for Team meetings and would provide a venue for training new staff.

The additional cost of re-establishing a physical office in the Lower Mainland is estimated to be in the order of \$325,000 per year, \$50,000 capital, and an additional 2 FTEs. This would provide shared office space for the existing telecommuting staff, a new Investigative Team Leader position and one administrative support position as well as the associated costs for furniture, data and telecommunications and travel.

The budget associated with re-establishing an office in the Lower Mainland is presented as Option 3 in the budget request. If the Committee believes that the Ombudsman should have a physical office in the Lower Mainland, then the necessary additional funding is requested to enable us to implement that decision.

## **Long Term Office Consolidation**

The Offices of the Legislature supported under the Shared Services Agreements by the Office of the Ombudsman have started a long range (approximately three years) planning process aimed at consolidation into a single suitable office location in Victoria. The Offices of the Ombudsman, Information and Privacy Commissioner, Police Complaint Commissioner and Merit Commissioner are now located at three physical offices and several staff are operating as part-time telecommuters in order to enable sharing of office space.

The availability of office space in Victoria is extremely limited. Hence any desire for relocation needs to have a long planning horizon. The opportunity to participate in this initiative has been offered to the other Officers of the Legislature should they wish to do so and if they are able to commit to the plan during the early stages.

This requires no monetary commitment from the Committee at this time. The information is provided by way of advance notice of the intentions for future office space management.

## **D. RESOURCE SUMMARY & BUDGET REQUEST**

### **Current Fiscal Year - 2008**

The Select Standing Committee on Finance and Government Services (the “Committee”), in its report of December 20, 2006, recommended that the budget be set at \$4,214,000 for Fiscal 2008. This included funds to hire two additional Investigators for systemic investigations. The capital budget was set at \$110,000.

At this time, the office anticipates being able to meet its budget target for the current fiscal year.

### **Fiscal 2009 - 2011**

The Committee stated that for planning purposes, the budget for Fiscal 2009 and 2010 should be \$4,214,000. The Committee recommended that the office receive a capital budget of \$65,000 in each of Fiscal Years 2009-2010.

Three budget funding options for Fiscal 2009 – 2011 are presented for the Committee’s consideration.

All the options include a shared services increase of two positions that do not impact directly on the Office of the Ombudsman mandate

#### **Option 1**

The first option represents the essential requirements of the office to address immediate requirements. It includes a revised base operating budget of \$4,671,000, a revised capital budget of \$75,000, and an additional 5 FTEs.

This option is based on simply supporting core services by adding one FTE to the Systemic Investigations Team, increasing the Intake Team by one FTE to implement an early resolution process and adding a position for the Outreach, Information and Education Officer.

#### **Option 2**

The distinguishing feature of Option 2 is enhancement of the Systemic Investigations, Early Resolution & Intake, and Outreach initiatives of the office. This option requires an additional \$202,000 in operating funds and two more FTEs compared with Option 1.

#### **Option 3**

The distinguishing feature of Option 3 is re-establishment of a physical office in the Lower Mainland. This option requires an additional \$325,000 in operating funds, \$50,000 in capital funds and two more FTEs compared with the budget for Option 2.

The funding options are summarized on the next page and the details are in Appendices A1, A2, and A3.

## Budget Summary

Business Area	2007/08 Budget	2008/09 Estimates	2009/10 Plan	2010/11 Plan
<b>Operating Expenses (\$000)</b>				
<b>OPTION 1</b>				
Core Services	\$4,164	\$4,621	\$4,621	\$4,621
Public Service Development – Student	\$50	\$50	\$50	\$50
<b>OPTION 1 TOTAL</b>	<b>\$4,214</b>	<b>\$4,671</b>	<b>\$4,671</b>	<b>\$4,671</b>
<b>OPTION 2</b>				
Core Services	\$4,164	\$4,621	\$4,621	\$4,621
Public Service Development – Student	\$50	\$50	\$50	\$50
Enhance Systemic Investigations, Intake and Outreach		\$202	\$202	\$202
<b>OPTION 2 TOTAL</b>	<b>\$4,214</b>	<b>\$4,873</b>	<b>\$4,873</b>	<b>\$4,873</b>
<b>OPTION 3</b>				
Core Services	\$4,164	\$4,621	\$4,621	\$4,621
Public Service Development – Student	\$50	\$50	\$50	\$50
Enhance Systemic Investigations, Intake and Outreach		\$202	\$202	\$202
Re-establish Lower Mainland Office		\$ 325	\$ 325	\$ 325
<b>OPTION 3 TOTAL</b>	<b>\$4,214</b>	<b>\$5,198</b>	<b>\$5,198</b>	<b>\$5,198</b>
<b>Full-time Equivalents (FTE'S)</b>				
<b>OPTION 1</b>				
Core Services	36	39	39	39
Shared Services Support	3	5	5	5
Public Service Development – Student	1	1	1	1
<b>OPTION 1 TOTAL</b>	<b>40</b>	<b>45</b>	<b>45</b>	<b>45</b>
<b>OPTION 2</b>				
Core Services	36	39	39	39
Shared Services Support	3	5	5	5
Public Service Development – Student	1	1	1	1
Enhance Systemic Investigations, Intake and Outreach		2	2	2
<b>OPTION 2 TOTAL</b>	<b>40</b>	<b>47</b>	<b>47</b>	<b>47</b>
<b>OPTION 3</b>				
Core Services	36	39	39	39
Shared Services Support	3	5	5	5
Public Service Development – Student	1	1	1	1
Enhance Systemic Investigations, Intake and Outreach		2	2	2
Re-establish Lower Mainland Office		2	2	2
<b>OPTION 3 TOTAL</b>	<b>40</b>	<b>49</b>	<b>49</b>	<b>49</b>
<b>Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
<b>OPTION 1</b>	<b>\$ 110</b>	<b>\$ 75</b>	<b>\$75</b>	<b>\$75</b>
<b>OPTION 2</b>	<b>\$ 110</b>	<b>\$ 75</b>	<b>\$75</b>	<b>\$75</b>
<b>OPTION 3</b>	<b>\$ 110</b>	<b>\$ 125</b>	<b>\$125</b>	<b>\$125</b>

## **Key Features and Service Consequences**

### **ALL OPTIONS**

- Continued sharing of offices and services between the Office of the Ombudsman, the Office of the Information and Protection of Privacy Commissioner, the Office of the Police Complaint Commissioner and the Office of the Merit Commissioner in the areas of Administration, Financial, Payroll and Systems support.
- Continued support for public service workforce development through funding for several student positions.
- Continued enhancement of the Case Tracker System by recovering funds through the sale and support of the System to Ombudsman Offices in other jurisdictions.
- Upgrade of the computer office products software to Office 2007.

### **OPTION 1**

- Minimal implementation of an early resolution process through the Intake Team.
- Support for small increase in systemic investigations.
- Maintain minimum necessary outreach initiatives.

### **OPTION 2**

- All of Option 1 features plus:
- Increase Mobile Intake service in the Lower Mainland and on Vancouver Island.
- Development of Early Resolution Team.
- Enhanced focus on outreach and communication to underserved communities into function of office.
- Increase efficiency in investigations.
- Full integration of systemic investigations.
- More timely delivery of reports.
- Continued acceptable balance in the workload to staff ratio.

### **OPTION 3**

- All of Option 2 features plus re-establishment of a Lower Mainland office to provide greater accessibility and outreach to sixty per cent of British Columbia's population.



## APPENDICES

### Appendix A1 – Option 1 Budget Details

STOB	DESCRIPTION	2007/08 Budget	2008/09 Estimates	Change	2009/10 Plan	2010/11 Plan
50	SALARIES	\$2,619,000	\$3,050,000	\$431,000	\$3,050,000	\$3,050,000
51	SUPPLEMENTARY SALARY	45,000	45,000	0	45,000	45,000
52	EMPLOYEE BENEFITS	715,000	793,000	78,000	793,000	793,000
54	OFFICER OF LEG.SALARY	228,000	247,000	19,000	247,000	247,000
57	TRAVEL	60,000	60,000	0	60,000	60,000
59	CENTRAL MGM'T SUPPORT SERVICES	102,000	405,000	303,000	405,000	405,000
60	PROFESSIONAL SERVICES	100,000	140,000	40,000	140,000	140,000
63	INFORMATION SYSTEMS - OPERATING	75,000	65,000	(10,000)	65,000	65,000
65	OFFICE & BUSINESS EXPENSES	110,000	110,000	0	110,000	110,000
67	INFO ADVERTISING & PUBLICATIONS	40,000	40,000	0	40,000	40,000
68	STATUTORY ADVERTISING & PUBLICATIONS	20,000	20,000	0	20,000	20,000
69	UTILITIES, MATERIALS, SUPPLIES	25,000	25,000	0	25,000	25,000
70	OPERATING EQUIPMENT & VEHICLES					
73	AMORTIZATION EXPENSE	85,000	85,000	0	85,000	85,000
75	BUILDING OCCUPANCY	290,000	0	(290,000)	0	0
88	RECOVERIES - INTERNAL	(220,000)	(334,000)	(114,000)	(334,000)	(334,000)
89	RECOVERIES					
90	RECOVERIES - EXTERNAL	(80,000)	(80,000)	0	(80,000)	(80,000)
<b>TOTAL</b>		\$4,214,000	\$4,671,000	\$457,000	\$4,671,000	\$4,671,000
	<b>CAPITAL BUDGET</b>					
Capital	Information Systems & Furniture & Equipment	\$110,000	\$75,000	\$(35,000)	\$75,000	\$75,000

## Appendix A2 – Option 2 Budget Details

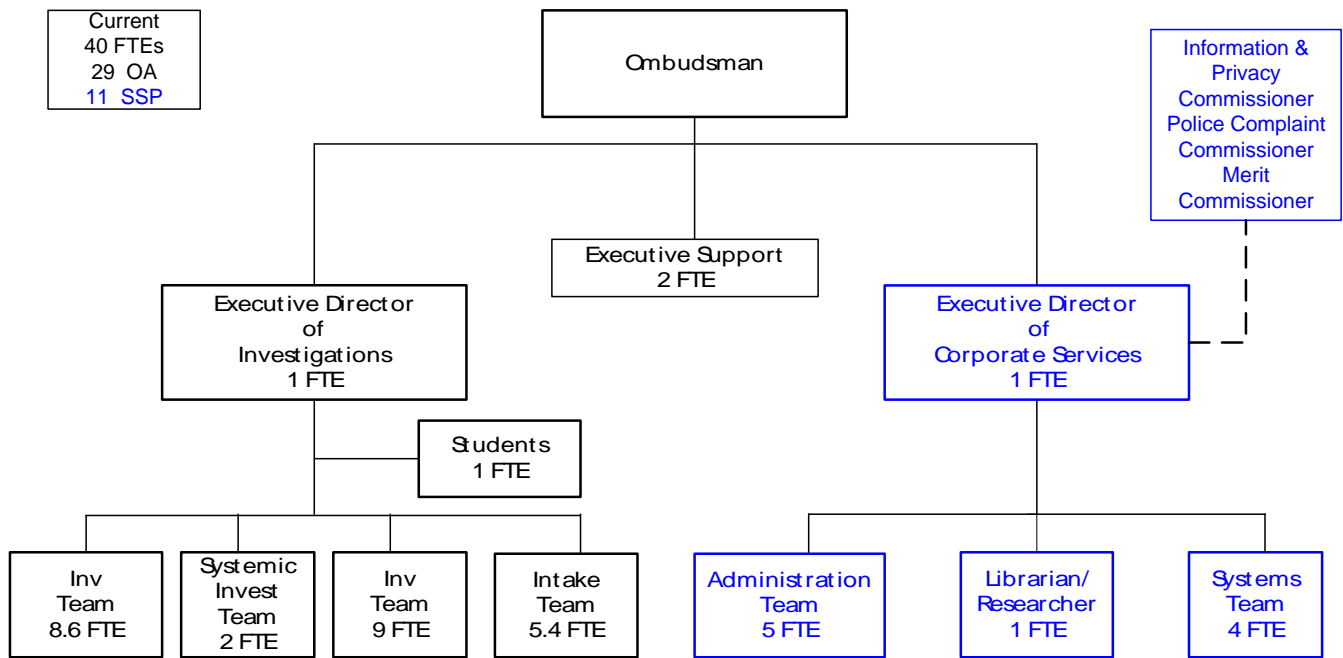
STOB	DESCRIPTION	2007/08 Budget	2008/09 Estimates	Change	2009/10 Plan	2010/11 Plan
50	SALARIES	\$2,619,000	\$3,213,000	\$594,000	\$3,213,000	\$3,213,000
51	SUPPLEMENTARY SALARY	45,000	45,000	0	45,000	45,000
52	EMPLOYEE BENEFITS	715,000	832,000	117,000	832,000	832,000
54	OFFICER OF LEG.SALARY	228,000	247,000	19,000	247,000	247,000
57	TRAVEL	60,000	60,000	0	60,000	60,000
59	CENTRAL MGMT SUPPORT SERVICES	102,000	405,000	303,000	405,000	405,000
60	PROFESSIONAL SERVICES	100,000	140,000	40,000	140,000	140,000
63	INFORMATION SYSTEMS - OPERATING	75,000	65,000	(10,000)	65,000	65,000
65	OFFICE & BUSINESS EXPENSES	110,000	110,000	0	110,000	110,000
67	INFO ADVERTISING & PUBLICATIONS	40,000	40,000	0	40,000	40,000
68	STATUTORY ADVERTISING & PUBLICATIONS	20,000	20,000	0	20,000	20,000
69	UTILITIES, MATERIALS, SUPPLIES	25,000	25,000	0	25,000	25,000
70	OPERATING EQUIPMENT & VEHICLES					
73	AMORTIZATION EXPENSE	85,000	85,000	0	85,000	85,000
75	BUILDING OCCUPANCY	290,000	0	(290,000)	0	0
88	RECOVERIES - INTERNAL	(220,000)	(334,000)	(114,000)	(334,000)	(334,000)
89	RECOVERIES					
90	RECOVERIES - EXTERNAL	(80,000)	(80,000)	0	(80,000)	(80,000)
<b>TOTAL</b>		\$4,214,000	\$4,873,000	\$659,000	\$4,873,000	\$4,873,000
	<b>CAPITAL BUDGET</b>					
Capital	Information Systems & Furniture & Equipment	\$110,000	\$75,000	\$(35,000)	\$75,000	\$75,000

## Appendix A3 – Option 3 Budget Details

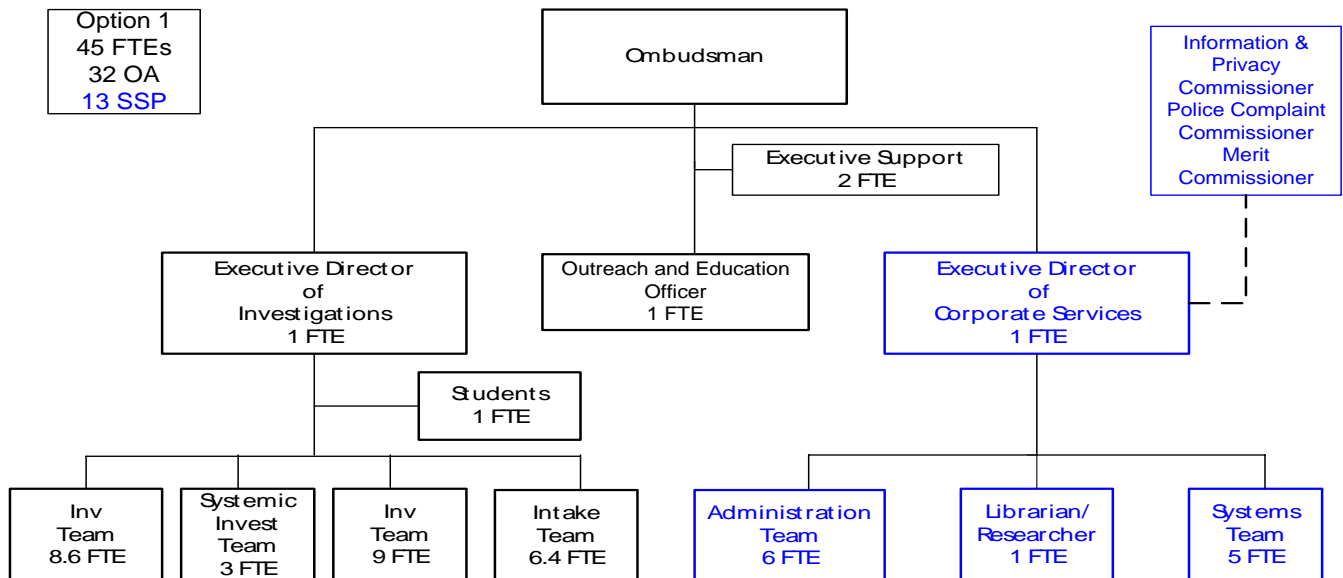
STOB	DESCRIPTION	2007/08 Budget	2008/09 Estimates	Change	2009/10 Plan	2010/11 Plan
50	SALARIES	\$2,619,000	\$3,340,000	\$721,000	\$3,340,000	\$3,340,000
51	SUPPLEMENTARY SALARY	45,000	45,000	0	45,000	45,000
52	EMPLOYEE BENEFITS	715,000	865,000	150,000	865,000	865,000
54	OFFICER OF LEG.SALARY	228,000	247,000	19,000	247,000	247,000
57	TRAVEL	60,000	95,000	35,000	95,000	95,000
59	CENTRAL MGM'T SUPPORT SERVICES	102,000	475,000	373,000	475,000	475,000
60	PROFESSIONAL SERVICES	100,000	140,000	40,000	140,000	140,000
63	INFORMATION SYSTEMS - OPERATING	75,000	90,000	15,000	90,000	90,000
65	OFFICE & BUSINESS EXPENSES	110,000	125,000	15,000	125,000	125,000
67	INFO ADVERTISING & PUBLICATIONS	40,000	40,000	0	40,000	40,000
68	STATUTORY ADVERTISING & PUBLICATIONS	20,000	20,000	0	20,000	20,000
69	UTILITIES, MATERIALS, SUPPLIES	25,000	30,000	5,000	30,000	30,000
70	OPERATING EQUIPMENT & VEHICLES					
73	AMORTIZATION EXPENSE	85,000	100,000	15,000	100,000	100,000
75	BUILDING OCCUPANCY	290,000	0	(290,000)	0	0
88	RECOVERIES - INTERNAL	(220,000)	(334,000)	(114,000)	(334,000)	(334,000)
89	RECOVERIES					
90	RECOVERIES - EXTERNAL	(80,000)	(80,000)	0	(80,000)	(80,000)
<b>TOTAL</b>		\$4,214,000	\$5,198,000	\$984,000	\$5,198,000	\$5,198,000
	<b>CAPITAL BUDGET</b>					
Capital	Information Systems & Furniture & Equipment	\$110,000	\$125,000	15,000	\$100,000	\$100,000

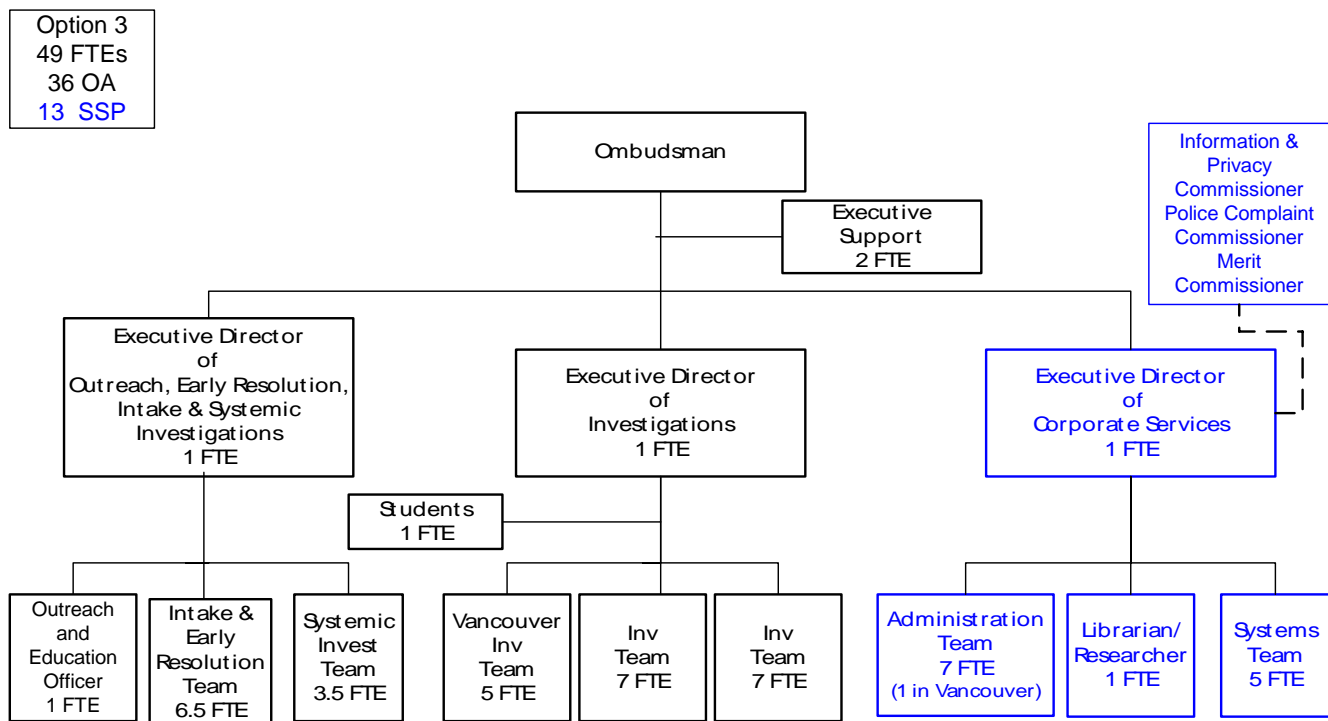
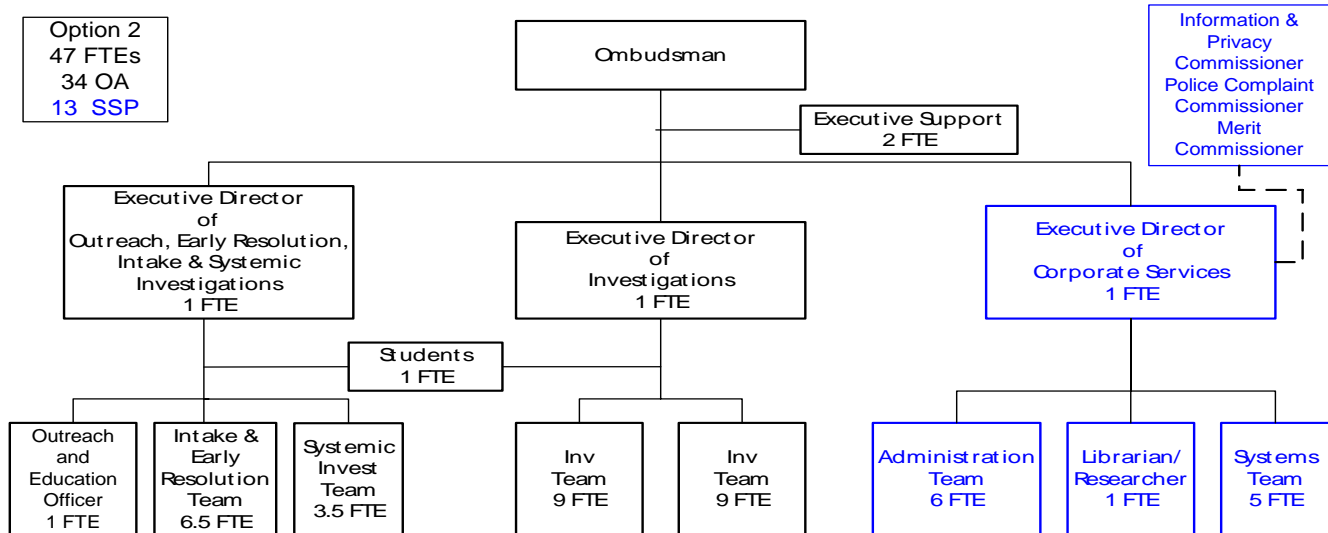
# Appendix B – Organization Charts

## FISCAL 08



## PROPOSED FISCAL 09





The Executive Director of Corporate Services and staff in the Administration Team, the Systems Team and the Librarian/Researcher also provide support services to the Office of the Police Complaint Commissioner, the Office of the Information and Privacy Commissioner, and the Office of the Merit Commissioner pursuant to shared services agreements with those offices. In addition, the Systems Team provides support to the Case Tracker Systems for the Alberta Office of the Ombudsman, the Saskatchewan Ombudsman and the Saskatchewan Children’s Advocate under cost recovery contracts. The increase of 1 FTE on the Administration Team and 1 FTE on the Systems Team reflects the overall increase in the number of FTEs in the supported offices. Approximately 50% of the increased resource requirement arises from the supported offices and the salary cost is recovered through increased service fees to those offices.

## Appendix C – Schedule of Authorities

1. Ministries of the government.
2. A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,
  - (a) appointed by an Act, minister, the Lieutenant Governor in Council,
  - (b) in the discharge of their duties, public officers or servants of the government, or
  - (c) responsible to the government.
3. A corporation the ownership of which or a majority of the shares of which is vested in the government.
4. Municipalities.
5. Regional districts.
6. The Islands Trust established under the *Islands Trust Act*.
7. Improvement districts as defined in the *Local Government Act*.
8. The Capital Improvement District under the *Capital Commission Act*.
9. Boards, committees, commissions or similar bodies established under the *Community Charter*, the *Local Government Act* or the *Vancouver Charter*.
10. The Resort Municipality of Whistler and the Whistler Resort Association.
11. A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act*.
12. Library boards defined in the *Library Act*.
13. The Cultus Lake Park Board.
14. A greater board as defined in the *Community Charter*.
15. Development districts, water users' communities, comptroller and regional water manager under the *Water Act*.
16. The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.
17. The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act*.
18. The Okanagan Kootenay Sterile Insect Release Board.
19. Regional transit commissions established under the *British Columbia Transit Act*.
20. A corporation
  - (a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in sections 4 to 19 of this section, or
  - (b) that is controlled by one or more of the authorities listed in sections 4 to 19 and, for the purpose of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
    - (i) persons appointed as members by the authorities;
    - (ii) officers or employees of an authority acting as such.

- 21 Schools and boards as defined in the *School Act*.
- 21.1 Francophone education authorities as defined in the *School Act* and francophone schools operated by francophone education authorities.
- 22 Universities as defined in the *University Act*.
- 23 The University of Northern British Columbia.
- 23.1 The Thompson Rivers University.
- 24 Royal Roads University.
- 25 Institutions as defined in the *College and Institute Act*.
- 26 Hospitals and boards of management of hospitals as defined in the *Hospital Act*.
- 27 Governing bodies of professional and occupational associations that are established or continued by an Act.
- 28 Regional Health Boards established under the *Health Authorities Act*.
- 29 Regional Hospital Districts under the *Hospital District Act*.
- 30 [Repealed 2002-35-11]
- 31 The Greater Vancouver Transportation Authority established under the *Greater Vancouver Transportation Authority Act*.
- 32 The Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*.
- Municipal Pension Board of Trustees.
- Teachers' Pension Board of Trustees.
- Public Service Pension Board of Trustees.
- College Pension Board of Trustees.
- The British Columbia Safety Authority established under the *Safety Authority Act*.
- Land Title and Survey Authority of British Columbia.





**Mailing Address:**

Office of the Ombudsman  
756 Fort Street, 2<sup>nd</sup> Floor  
PO Box 9039 Stn Prov Govt  
Victoria BC V8W 9A5

**Telephone:**

General Inquiries: (250) 387-5855  
Toll Free: 1-800-567-3247

Fax: (250) 387-0198

**Or visit our website at:**

<http://www.ombudsman.bc.ca>